

CLEAN WATER COUNCIL
Meeting Highlights
January 14, 2003

Location:

NJ Environmental Infrastructure Trust, Building 6 Suite 201, 3131 Princeton Pike,
Lawrenceville, NJ

Attendees:

Kerry Kirk Pflugh, Pamela Goodwin, James Cosgrove, Anthony McCracken, Pat Matarazzo, Helen Heinrich, Lou Mason Neely, Russell Furnari, Mary Beth Koza, Barry Sullivan, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Ray Zabihach, Amy Shallcross (NJWSA), Pen Tao (NJDWSC), Peter Weppler (NJDWSC) and Ursula Montis, Secretary.

Introductions were made all around.

Joint Meeting with Clean Air Council

Pat Matarazzo and Kerry had a conference call on January 3, 2003 with the Clean Air Council, with the results being that because of both our Council's upcoming joint Public Hearings, neither of us has time for a joint meeting until possibly in May.

Public Hearing- Topic will be Recycling and Reuse

Pat offered his ideas for possible panelists for the Public Hearing.

1. From DEP – Joe Mannick, who could give State's perspective on Reuse and Bob Kesckes – Statewide Water Supply
2. Ed Clerico, who is on our Subcommittee and has done Reuse and Recycling and has insight on Pa. & NJ practical application.
3. Someone from Fish and Wildlife may be a good idea
4. A member of one of the Environmental groups.

Helen Heinrich – Shouldn't we have someone from Agriculture: Maybe to discuss dealing with capturing water and using it in greenhouses?

Lou Neely – Is this a hearing to tell people what's going on, or is it to solicit information from them?

Pat M. – Both. What we decided that at our last meeting we were going to have an up front panel discussion and then let the people question and comment.

Pam Goodwin – We found that in the past, more people would show up knowing that there would be interesting speakers with viewpoints, than just coming to testify. Didn't we discuss bringing in out-of-state speakers with a lot of experience in this area?

Pat M. – I talked to the people in Sacramento, Calif. I was able to get a disc from them with their Water Reuse Rule. It's very creative and has a lot of good ideas. It is about 85 pages, so rather than print it out, we can put it out on the Web so all can view it.

Kerry – The Division of Watershed Management has a contract with Rutgers Continuing Education Program at Cook's College. They may be able to do the logistics and arrange for the speakers for the Public Hearing. There is money in the contract that can be used to coordinate this Public Hearing. We should decide on what kind of a budget we will be looking at. I will be meeting with Alison DiPasca to go over these figures. We would have to provide the text for the flyer and they would send it out. I can also arrange for a press announcement. The big task for the CWC is to come up with the questions and speakers, so we can integrate these into the flyer as soon as possible. Right now, the Public Hearing is scheduled for April 16th at the Holiday Inn, in Jamesburg. We spoke at our last meeting about having a poster session for displaying around the Hearing area, in addition to speakers, to give the people a place to showcase some of the work they are doing with reclamation. We don't have to worry now about cost, but we have to decide on a budget.

Barry Sullivan – in the past I have listened to panels at hearing. They were limited to 5-10 minutes each. In this way, no one speaker took up all the time with his view.

Helen Heinrich – We really need to set the stage for the public because there is a lot of misinformation on this topic.

Pat M. – California, Nevada, Florida and Maryland have been very successful with Reuse.

Amy Goldsmith – There is a genuine concern, but I think that people are ready to discuss Reuse. Is the time for the hearing 4 – 8 pm?

Kerry - We can do what we want, but with a panel, we might want to do it earlier, like around 2 pm.

Lou Neely – We will get little results unless we spike the situation and say that CWC recommends the hot issue of "Reuse". We need something to jump out at the Environmentalists.

Pam Goodwin – Our only charge is to have an open, public hearing, not to make statements one way or another.

Ray Zabihach – We could use the drought situation as an example, and that we recommend something be done. Ask the public if reuse may be the answer.

Lou Neely – We are a water rich state. With proper management, we should have no problem with water.

Kerry – If you want to create an urgency, you can say that we were given a mandate by the Commissioner to explore the issue of reclamation so the Department can determine how it will respond.

Pen Tao – represents NJ Water Supply Master Plan, stated that one of the higher priorities of their Agenda is Water Reuse. He feels strongly that both Councils should work together.

Amy Chalcross – NJWSA – suggested we have a representative from the Board of Health on the Public Hearing panel.

Ray Zabihach – There are conflicting ideas in place which are confusing. We need to get the right information out to the public.

Kerry – We need to identify what elements of our regulations are in conflict, so people clearly know what they are and where the inconsistencies are.

Russ Furnari – Because of the time constraint to get information out, he moved to set up a subcommittee and coordinate what's going on with Water Supply, put some of the details together, and come up with a list of recommended names. A week before the next meeting, get an outline out to the CWC members, so there could be something to talk about at the next meeting.

Kerry – added to the motion that the subcommittee also do the crosswalk and look into what the inconsistencies in the regulations are and bring it back to the meeting.

Lou Neely – Seconded the motion.

Pat M. – called for volunteers for the subcommittee.

Kerry, Russell, Pat, M., Pam G. and Amy Goldsmith volunteered.

Motion passed.

Kerry – went over the charges for the subcommittee:

1. Topic of brochure
2. Questions for public response
3. Name of panelists and why they are recommended.
4. Inconsistencies of DEP regulations in water use/water reuse

Kerry – Questioned whether or not we, the volunteers, were educated enough to know what these inconsistencies are.

Russell Furnari – suggested we consult Dennis Hart (now in Water Supply) He was the regulatory guide on the permit end for quite awhile.

Kerry – asked if there was someone in Water Supply that could help us.

Ray Zabihach – was at a Seminar on Water Supply at the Ecocomplex. On the panel were people who had strong components on water reuse. Maybe we could get the minutes from that meeting to get some information.

Kerry - I will get in touch with Rea Brecki. If the Holiday Inn does not work out we might want to consider the Ecocomplex. They would like to get more into reclamation. It's a Rutgers facility and holds more than 100 people and has a wonderful display area for poster sessions.

Peter Weppler (NJDWSC) – The hearing should be public noticed and be in all the local papers.

Mary Beth Koza – We should have a separate committee to work on interpreting the Stormwater Rule.

Pat M – called for volunteers for this committee.

Jim Cosgrove – We need someone who has already tried to work through the rules. If you have people just read through them, they may not recognize the problem.

Kerry – asked for a month to do DEP search for information. I will bring the results back and then we can figure out if we even need a committee.

Pen Tao – recommended speaking to Dave Cohen, Vice Chair Water Supply Council.

C1 – 7.9B

Jim Cosgrove – If you designate a reservoir as C1 and you pump up to, or into, that reservoir, what does that mean to the stream that flows into that reservoir or pumps up from the reservoir? The upgrade may affect treatment plants with their permitting.

Russ Furnari – Existing regulations say that a tributary is required to meet standards at the point they enter the C1 waterbody. They need to be evaluated in greater depth. One thing that is not clear is how that ties into the sources of water that are pumped into the water supply transfer? C1 says it will not be degraded, but it does not say all C1's are equal. There is nothing in the proposal that establishes how they are going to set this preexisting baseline for these reservoirs or waterbodies that are being designated as water supply of significance that are not the same level as the ones that were designated as C1 before.

Lou Neely – We need to be able to pump into reservoirs at high flow.

Jim Cosgrove – What is the definition of existing water quality? Someone has to figure that out, from a very technical perspective, how this affects my clients that are water purveyors and my clients that are dischargers. I have not found any definition anywhere in the regulations.

Pen Tao – The TMDL process will help explain this.

Lou Neely – Conflicting problems in C1 is the critical issue. Hopefully there will not be the same problems with reuse. There is not a proper definition in the regulations in labeling C1. CWC should address this problem so we can have a benchmark in which to measure degradation. Each one of those reservoirs have a different water quality standard and each one of them comes from different streams.

Pen Tao – C1 is not limited to reservoirs. It is also applied to rivers.

Ray Zabihach – reported that at the Jersey City reservoir there was no sewer treatment plant above the reservoir, it was below it. Therefore, you are basically dealing with non-point source pollution. That would mean every stream, brook and tributary above the Upper Rockaway would have to be C1 classified. What is the mechanism that would apply in this case.

Amy Goldsmith – The Stormwater Rules would apply. They integrated C1 into the Rules to force non-point source along.

Kerry – C1 isn't necessarily saying that you have to improve the existing water quality, it's saying you can't degrade what is already there. It would seem that some kind of a study has to inform what the existing water quality is, in order to know what the limits are before a permit is issued.

Jim Cosgrove – The Department has done a very bad job of defining existing water quality.

Amy Goldsmith – recommended that CWC make a general point on the clarity around existing water quality. Maybe have an advisory group formed to look into the rule making process, or put out the question of what are we to use to define water quality. Say that we as CWC support anti-degradation, but we want to make sure anti-degradation happens when we address issues about the pumping. We should pose questions that these are troubled areas we have pointed out, and that these need clarification. At least we are raising issues that we collectively think are important. Because otherwise, the regulations are going to fail and we do not want that to happen.

Russ Furnari – To be successful, there needs to be enough definition to it so that it does not get cloudy and later end up in more discussion and arguments before it gets implemented.

Lou Neely – If Russ and Amy could work together to come up with comments for the comment period, that would be great.

Kerry – If there are any comments, e-mail them to Ursula and she will send them to all CWC members to review.

Russ F. – Our next meeting is February 11th. The comment period has been extended to February 17th, 2003.

Kerry – moved we form a committee to craft a letter or outline of C1 comments for the Feb. 17th comment period and to bring it to the next meeting on Feb. 11th.
Committee will include Amy Goldsmith, Jim Cosgrove, Kerry Pflugh, Pat Matarazzo and Russ Furnari.

Lou Neely seconded it.

Motion passed.

Tony McCracken – Is there a map available that shows Municipality or County perspective for reclassifications?

Action Item

Jim Cosgrove has prepared a map and will share it with members. He will e-mail it to Kerry. She will have Ursula send it on to the members.

Barry Sullivan – last meeting we talked about C1 and Coastal. Did anyone look into it?

Jim Cosgrove – C1 affects a portion of the Atlantic Coastline, from Beach Haven Inlet south to Cape May Point, three miles out, is C1. It excludes, sections of Atlantic City and sections of Ocean City, 7 mile outfall beach and Wildwood outfall beach. All streams that flow into the Atlantic Ocean are C1.

Pat M. – commented that his outfall has become classified as a Trout Stream and the trout are surviving. However they now want him to upgrade the Treatment Plant to C1. He will be arguing this issue.

Jim C – 7.9 revisions to Wildlife Criteria – he is disappointed in the criteria. He will e-mail comments to members.

Helen Heinrich – When did the new amendments appear?

Pat M. – they appeared on January 6th. There is a hearing on January 29th with close of comments by March 7th.

Phosphorus Issues

Pat M. – Protocol was e-mailed to all CWC members. The State has made some minor changes but I have not seen that document yet.

Kerry – Jeff Reading informed me that they are still in the process of reviewing the comments and that they will make the document available to us when they are completed.

Jim Cosgrove – In pertaining to seasonal phosphorus, in some situations less stringent limitations are warranted in the winter, when eutrophication is not an issue.

Todd Kratzer – Emphasized the need for year-round Phosphorus removal since phosphorus can bind to substrates (specifically clay and organics) and become resuspended in the Spring of each year. (This is site-specific based on channel-substrate characteristics and scour velocity).

DEP Update

Kerry – Jason Varano of the Legislative Office, was contacted. There are several openings on the Council that we want to fill. He will work on it and get back to us.

Amy G. – How long are the terms?

Kerry – Four years.

Kerry – on Stormwater – Three public information meetings are being scheduled for the next month in the North, South and Central NJ. It should be on the website under public information. We are going to be putting together regional meetings to give information to the Municipalities. There is a concern regarding the cost of doing a Stormwater Plan and implementing it. The Commissioner has indicated that he may be able to make some 319 monies available to help develop the Stormwater Plan.

On Water Supply – Kerry will try to integrate CWC in with working with Water Supply Council. I think our first step into that will be the reclamation issue. We should try and support their efforts and implementation of the Master Plan.

Two other areas of concern:

1. AmeriCorps - On January 21st, 2003, we are going to be proposing a program through the Watershed Ambassador Program, that is funded by AmeriCorps. We are resubmitting a proposal to get a 3 year grant that allows us to hire 20 individuals who work with organizations to set up volunteer monitoring programs. It is an educational process, not a regulatory one. We will be working with the Watershed Association on this.

2. There is a Super Map, (or “Big Map”) which is now being worked on. It identifies the areas of the state where development will be encouraged and where growth will be strictly regulated. It will help Municipalities to identify their growth plans.

Russ F. – There are training classes for the I-Map coming up.

Kerry – Would it be useful to have someone come and speak about the Super Map, maybe in March?

Council Subcommittees

Pat M. – In the past, we had put together two separate subcommittees, one for the TMDL’s and one for non-point source component. We utilized them when needed. They were not CWC members, but were experts in their fields. There was always a CWC member present at their meetings. Because of dwindling participation, the two committees became one.

Lou Neely – Can you do an organizational chart with the subcommittee names and CWC members.

Pat M. – Yes, we have been working on that for awhile.

Amy Goldsmith – Maybe we need different or new technical people to form the subcommittee.

Ferdows Ali – Is there a timeline for the development of TMDL’s?

Kerry – We brought the notice that was issued on the first round of fecal TMDL’s. It is on the back table a handout. They will be noticed on January 21st, 2003 in the NJ Register.